

(Arnold H. Krumholz)

The official action of October 8, 2002, included a number of objections, including objections to the specification and claims, which applicants believe have been fully obviated by the response filed on April 4, 2003. Indeed, the Examiner had objected to the original claims on a number of bases, including an objection that the claims are generally narrative and

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indefinite and fail to conform with current U.S. practice. For this reason, the claims were canceled, and new claims which fully comply with all of the requirements of U.S. practice were added. The Examiner, however, deems the response to be unworthy because of an alleged failure to point out support in the original specification. The Examiner has not previously made any specific rejection on the basis of lack of support or any other objection to these claims under § 112.

Rule 111 merely requires that the applicants "distinctly and specifically point out the supposed errors in the Examiner's action," and reply to every ground of objection and rejection in the office action, and applicants submit that this is precisely what has been done here. However, in order to assist in expediting the prosecution and allowance of these claims, the specific support for each of these claims is now reiterated for the Examiner's benefit.

From original specification:

Claim 29 - page 2, lines 19-25; page 4, line 33 through page 5, line 2; original claims 1, 10 and 11;

Claim 30 - page 3, lines 7-10;

Claim 31 - page 3, lines 18-25;

Claim 32 - page 3, lines 31-35 and original claim 4;

Claim 33 - page 3, line 32 and original claim 4;

Claim 34 - page 4, lines 1-5 and original claim 5;

Claim 35 - page 4, lines 10-14 and original claim 6;

Claim 36 - page 4, lines 10-14 and original claim 6;

Claim 37 - page 4, lines 15-17 and original claim 7;

Claim 38 - page 4, lines 15-27 and original claim 7;

Claim 39 - page 4, lines 23-28 and original claim 8;

Claim 40 - page 4, lines 33-35 and original claim 9;

Claim 41 - page 5, lines 4-6 and original claim 11;

Claim 42 - page 5, lines 1-19 and original claim 11;

Claim 43 - page 5, lines 16-18 and original claim 11;
Claim 44 - page 6, lines 1-7 and original claim 12;
Claim 45 - page 6, lines 9-12 and original claim 13;
Claim 46 - page 6, lines 13-24 and original claim 14;
Claim 47 - page 6, lines 26-30 and original claim 15;
Claim 48 - page 6, lines 32-34 and original claim 16;
Claim 49 - page 6, lines 32-34 and original claim 16;
Claim 50 - page 4, lines 5-9 and original claim 17;
Claim 51 - page 7, lines 20-25 and original claim 18;
Claim 52 - page 7, lines 20-25 and original claim 18;
Claim 53 - page 7, lines 27-30 and original claim 19;
Claim 54 - page 8, lines 1-5 and original claim 20;
Claim 55 - page 8, lines 1-5 and original claim 20;
Claim 56 - page 8, lines 1-5 and original claim 20;
Claim 57 - page 8, lines 7-8 and original claim 21;
Claim 58 - page 8, lines 10-15 and original claim 22;
Claim 59 - page 8, lines 10-15 and original claim 22;
Claim 60 - page 8, lines 17-24 and original claim 23;
Claim 61 - page 8, lines 20-24 and original claim 23;
Claim 62 - page 8, lines 26-31 and original claim 24;
Claim 63 - page 8, lines 26-31 and original claim 24;
Claim 64 - page 8, lines 33-35 and original claim 25;
Claim 65 - page 8, lines 33-35 and original claim 25;
Claim 66 - page 12, lines 20-28 and original claim 26;
Claim 67 - page 12, line 30 through page 13, line 6
and original claim 27; and
Claim 68 - original claim 28.

It is next noted that the latest office action includes an objection to the drawings. In this regard, the Examiner states that the drawings must show every feature of the claimed invention. In response, applicants submit herewith a formal set of the drawings. These include, where appropriate,

as in Figure 2, inclusion of certain of the disclosed and claimed elements, in a "black line" configuration. This is deemed fully sufficient because, in each of these cases, the particular elements so shown, once disclosed, are entirely conventional, and would be readily discernable to anyone of even less than ordinary skill in this art. That is, applicants do not claim to have discovered or invented these particular elements, such as the sphincter mechanism, the specific types of pumps, the sensor, etc., but only in combination with the principal claimed elements of this invention. Therefore, the inclusion of these elements in the drawings in this manner is perfectly acceptable, and it is also clear that no new matter is included therein.

It is therefore clear that applicant has demonstrated clear and adequate support in the original disclosure for each of the newly added claims. It is therefore further clear that the present claims are clearly in condition for continued prosecution, and indeed for allowance based upon the patentable nature of these claims over the prior art. If, however, for any reason the Examiner still does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections the Examiner may have to the continued prosecution of this application.

Application No.: 09/936,721

Docket No.: HAMMON 3.3-002

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

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